

STATEMENT OF
FRANK C. CARLUCCI
DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE
CENTRAL INTELLIGENCE AGENCY
BEFORE THE
SUBCOMMITTEE ON LEGISLATION
OF THE
PERMANENT SELECT COMMITTEE ON INTELLIGENCE
HOUSE OF REPRESENTATIVES

APRIL 5, 1979

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, I AM PLEASED TO APPEAR BEFORE YOU TODAY TO RESPOND TO YOUR INTEREST IN THE IMPACT PUBLIC DISCLOSURE STATUTES HAVE HAD ON THE MISSION AND FUNCTIONS OF THE CENTRAL INTELLIGENCE AGENCY. I INTEND TO BE AS DETAILED AS IS POSSIBLE IN A PUBLIC SESSION AND I AM, OF COURSE, PREPARED TO GO INTO CLASSIFIED MATTERS AND FURTHER DETAIL IN EXECUTIVE SESSION.

AT THE OUTSET, HOWEVER, I WANT TO POINT OUT THAT I AM FACING A REAL DILEMMA IN APPEARING BEFORE YOU TODAY ON THIS SUBJECT. AS MY REMARKS HOPEFULLY WILL MAKE CLEAR, WE DO HAVE PROBLEMS IN OUR COUNTRY IN KEEPING THE AUTHORIZED AND LEGITIMATE ACTIVITIES OF CIA SECRET. SOME OF THESE PROBLEMS ARE REAL, BUT FOR OTHERS, SUCH AS THE FREEDOM OF INFORMATION ACT (FOIA), IT IS ESSENTIALLY A MATTER OF PERCEPTION. I WILL BE TELLING YOU TODAY WHY THAT IS SO. HOWEVER, SINCE WE ARE DEALING WITH PERCEPTION I KNOW AS CLEARLY AS I AM SITTING BEFORE YOU TODAY THAT MY STATEMENTS BEFORE YOU WILL BE USED BY HOSTILE FOREIGN INTELLIGENCE SERVICES IN AN EFFORT TO CONVINCE POTENTIAL AGENTS THAT COLLABORATION WITH CIA IS INDEED A FOOLHARDY ENDEAVOR BECAUSE INEVITABLY THEIR ACTIONS WILL BE MADE PUBLIC. EVEN SO, I FIRMLY BELIEVE THAT THIS OPEN SESSION CAN COUNTERACT SUCH ATTEMPTS IF THE END RESULT

IS AN INCREASED CAPACITY FOR OUR AGENCY AND ITS OFFICERS TO DEAL WITH INDIVIDUALS AND CONVINCINGLY OFFER THE PROTECTION FROM PUBLIC DISCLOSURE WHICH PEOPLE WHO PLACE THEIR LIFE OR LIBERTY IN JEOPARDY DEMAND.

I ALSO WANT TO MAKE IT CLEAR THAT ADMIRAL TURNER AND I SUPPORT THE GENERAL CONCEPT OF OPENNESS IN GOVERNMENT. INDEED, ADMIRAL TURNER HAS BEEN CRITICIZED FOR BRINGING TOO MUCH OPENNESS TO THE CENTRAL INTELLIGENCE AGENCY. UNDER HIS LEADERSHIP APPROXIMATELY 150 FINISHED INTELLIGENCE REPORTS HAVE BEEN DECLASSIFIED PER YEAR AND HAVE BEEN MADE AVAILABLE TO THE PUBLIC THROUGH THE LIBRARY OF CONGRESS. WE HAVE MOVED FROM THE FORMER "NO COMMENT" RESPONSE AND NOW ROUTINELY PROVIDE UNCLASSIFIED INFORMATION IN RESPONSE TO MEDIA INQUIRIES. WE ARE CONDUCTING A DIALOGUE WITH AMERICAN ACADEMIC SPECIALISTS, AND INCREASINGLY ANALYTICAL PERSONNEL PARTICIPATE IN THE PRESENTATION OF UNCLASSIFIED PROFESSIONAL PAPERS. IN THIS WAY THE SUBSTANTIVE PRODUCT OF CIA IS MADE AVAILABLE AND CONTRIBUTES TO AN INFORMED PUBLIC WITHOUT RISKING THE DISCLOSURE OF SENSITIVE INTELLIGENCE SOURCES AND METHODS.

NOR DO WE TAKE ISSUE WITH PUBLIC DISCLOSURE STATUTES AS VEHICLES FOR GIVING CITIZENS GREATER ACCESS TO THE AFFAIRS OF GOVERNMENT AND ASSURING INDIVIDUALS THAT INFORMATION ON THEM, WHICH MAY BE LEGITIMATELY GATHERED BY THEIR GOVERNMENT, IS ACCURATE AND WILL NOT BE ABUSED.

WHAT WE DO QUESTION SERIOUSLY AND THOUGHTFULLY, HOWEVER, IS THE APPROPRIATENESS OF APPLYING GOVERNMENT-WIDE PUBLIC DISCLOSURE CONCEPTS TO THE AUTHORIZED AND LEGITIMATE ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY WHICH REQUIRE SECRECY. INDEED, THE CONGRESS ITSELF HAS RECENTLY REAFFIRMED THE UNIQUENESS OF OUR MISSION AND THE INFORMATION DERIVED FROM IT BY CREATING THIS OVERSIGHT COMMITTEE AND ITS COUNTERPART IN THE SENATE. AS A RESULT, THERE NOW EXISTS EFFECTIVE CONGRESSIONAL OVERSIGHT MECHANISMS TO ASSURE THE ACCOUNTABILITY, LEGALITY AND PROPRIETY OF CIA ACTIVITIES WHICH MUST REMAIN SECRET. ADMIRAL TURNER AND MYSELF, AS CONGRESSIONALLY APPROVED PRESIDENTIAL APPOINTEES, INSURE THAT THIS COMMITTEE IS NOW AND WILL CONTINUE TO BE SUPPLIED WITH WHATEVER INFORMATION YOU NEED IN ORDER THAT YOU MAY BE SATISFIED THE CENTRAL INTELLIGENCE AGENCY IS FOLLOWING THE LAW AND IN SO DOING EXERCISING GOOD JUDGMENT. YOU, NOT 20,000 FOIA REQUESTERS, FOREIGN AND AMERICAN, ARE THE PROPER PEOPLE TO CONDUCT OVERSIGHT.

IT IS, I SUBMIT, THROUGH THESE COMMITTEES AND THEIR STAFFS, AS WELL AS THE EXTENSIVE EXECUTIVE BRANCH REVIEW MECHANISMS, THAT OVERSIGHT OF THIS NATION'S MOST SENSITIVE ACTIVITIES OUGHT TO BE UNDERTAKEN.

IT IS, OF COURSE, FOR CONGRESS TO DECIDE WHETHER THE BEST INTERESTS OF THE NATION ARE SERVED BY THE APPLICATION

OF GENERAL OPENNESS CONCEPTS TO INTELLIGENCE ACTIVITIES. IT IS OUR POSITION THAT THE BEST INTERESTS OF THE NATION ARE NOT SO SERVED. MY CENTRAL THEME TODAY, THEREFORE, IS THAT THE TOTAL APPLICATION OF PUBLIC DISCLOSURE STATUTES LIKE FOIA TO THE CIA IS SERIOUSLY DAMAGING OUR ABILITY TO DO OUR JOB.

BEFORE I MAKE THIS CASE, ALLOW ME TO MAKE TWO POINTS:

-- IT IS UNDENIABLE THAT UNDER THE CURRENT FOIA NATIONAL SECURITY EXEMPTIONS EXIST TO PROTECT OUR MOST VITAL INFORMATION. THE QUESTION IS WHETHER THEY ARE SO PERCEIVED BY THOSE UPON WHOM WE DEPEND TO PROVIDE US, IN ABSOLUTE SECRECY, THAT INFORMATION.

-- THE DIFFICULTY IN PROTECTING INTELLIGENCE INFORMATION ARISES FROM MORE THAN THE FOIA. THERE HAVE, FOR EXAMPLE, BEEN LEAKS -- WE HAVE HAD LEAKS, THERE HAVE BEEN CASES OF ESPIONAGE, FORMER AGENCY EMPLOYEES HAVE WRITTEN BOOKS WITHOUT PROPER CLEARANCE BEFOREHAND AND PHILLIP AGEE AND OTHERS OF HIS GROUP PUBLISH A MONTHLY BULLETIN DEDICATED TO EXPOSING OUR UNDERCOVER EMPLOYEES AND OPERATIONS OVERSEAS. WE ARE TRYING TO DEAL WITH ALL OF THESE ISSUES.

UNFORTUNATELY, THE FREEDOM OF INFORMATION ACT HAS EMERGED AS A FOCAL POINT OF THE OFTEN-HEARD ALLEGATION THAT THE CIA CANNOT KEEP A SECRET, THAT IS, CANNOT PROPERLY PROTECT ITS INFORMATION FROM PUBLIC DISCLOSURE. IT HAS, THEREFORE,

ASSUMED A LARGER THAN LIFE ROLE AS A SYMBOL OF THIS NATION'S DIFFICULTY IN KEEPING CONFIDENCES INVIOATE. I DO NOT AGREE THAT WE CANNOT KEEP A CONFIDENCE, BUT IT IS THAT PERCEPTION HELD BY MANY OF THOSE WHO WOULD ONLY ENTER INTO AN ARRANGEMENT WITH US ON A CONFIDENTIAL BASIS THAT IS THE CRUCIAL ISSUE AT HAND.

IN ORDER TO APPRECIATE THE FOIA'S IMPACT ON INTELLIGENCE, IT IS IMPORTANT TO CLEARLY UNDERSTAND HOW WE OPERATE.

IT IS A MISCONCEPTION THAT OUR PEOPLE SPEND MOST OF THEIR TIME MOVING AROUND TRYING TO PICK UP INFORMATION IN BARS AND PHOTOGRAPHING DOCUMENTS WITH SECRET CAMERAS. ACTUALLY THEIR MISSION IS TO ESTABLISH WHAT IS ESSENTIALLY A CONTRACTUAL RELATIONSHIP WITH PEOPLE IN KEY POSITIONS WHO MIGHT OTHERWISE BE INACCESSIBLE TO OUR DIPLOMATS OVERSEAS.

THIS IS NOT AN EASY TASK NOR IS IT QUICKLY ACCOMPLISHED. THE PRINCIPAL INGREDIENT IN THESE RELATIONSHIPS IS TRUST. TO BUILD A RELATIONSHIP WHICH IN MANY CASES ENTAILS PUTTING ONE'S LIFE AND THAT OF ONE'S FAMILY IN JEOPARDY TO FURNISH INFORMATION TO THE U.S. GOVERNMENT IS A DELICATE AND TIME-CONSUMING TASK. OFTEN, IT TAKES YEARS TO CONVINCE AN INDIVIDUAL THAT WE CAN PROTECT HIM. EVEN THEN THE SLIGHTEST PROBLEM CAN DISRUPT THIS RELATIONSHIP.

RECOGNIZE ALSO THAT MOST OF THOSE WHO PROVIDE US WITH OUR MOST VALUABLE AND THEREFORE MOST SENSITIVE INFORMATION COME FROM SOCIETIES WHERE SECRECY IN BOTH GOVERNMENT AND EVERYDAY LIFE PREVAILS. IN THESE SOCIETIES, OFTEN THOSE SUSPECTED OF ANYTHING LESS THAN TOTAL ALLEGIANCE TO THE RULING PARTY OR CLIQUE MAY BE SUMMARILY DISMISSED FROM THEIR JOBS, INCARCERATED, OR EVEN EXECUTED. IN SOCIETIES SUCH AS THESE, THE CONCEPTS BEHIND THE FOIA ARE TOTALLY ALIEN, FRIGHTENING AND INDEED CONTRARY TO ALL THAT THEY KNOW. IT IS VIRTUALLY IMPOSSIBLE FOR MOST OF THEM TO UNDERSTAND THE LAW ITSELF MUCH LESS WHY AN ORGANIZATION SUCH AS THE CENTRAL INTELLIGENCE AGENCY, WHEREIN REPOSE THEIR MOST GUARDED SECRETS, SHOULD BE SUBJECT TO THE ACT. IT IS DIFFICULT TO CONVINCE THEM THAT SOMEDAY THEY WILL NOT AWAKEN TO FIND IN A U.S. NEWSPAPER OR MAGAZINE INFORMATION WHICH THEY HAVE FURNISHED TO THE AGENCY WHICH CAN BE TRACED BACK TO THEM.

HARDLY A DAY GOES BY THAT THERE IS NOT A SENSATIONAL NEWS ARTICLE DESCRIBING CIA INFORMATION RELEASED UNDER FOIA. THE FACT THAT MUCH OF IT IS REPETITIOUS AND MOST OF IT IS HISTORY IS LOST ON OUR AGENT NETWORK.

IMAGINE THE SHACKLES BEING PLACED ON THE CIA CASE OFFICER WHO MUST EVENTUALLY CONVINCE THE FOREIGN AGENT TO COOPERATE WITH US. THE MOMENT OF TRUTH FOR THE CASE OFFICER COMES USUALLY AT THE TIME OF RECRUITMENT. THE AGENT, WHILE LEANING

TOWARDS COOPERATION, WILL DEMAND THAT HIS INFORMATION BE PROTECTED. HE WANTS ABSOLUTE ASSURANCE THAT NOTHING WILL BE GIVEN OUT WHICH COULD EVEN CONCEIVABLY LEAD HIS OWN INCREASINGLY SOPHISTICATED COUNTERINTELLIGENCE PEOPLE TO APPEAR AT HIS DOORSTEP. BUT THE BARRAGE OF INTELLIGENCE DISCLOSURE IS, MR. CHAIRMAN, MAKING IT HARDER AND HARDER FOR OUR CASE OFFICERS TO BE CONVINCING.

ALTHOUGH, WHEN ASKED, WE ASSURE THESE INDIVIDUALS THAT THEIR INFORMATION IS AND WILL CONTINUE TO BE WELL PROTECTED, WE HAVE ON RECORD NUMEROUS CASES WHERE OUR ASSURANCES HAVE NOT SUFFICED. FOREIGN AGENTS, SOME VERY IMPORTANT, HAVE EITHER REFUSED TO ACCEPT OR HAVE TERMINATED A RELATIONSHIP ON THE GROUNDS THAT, IN THEIR MINDS -- AND IT IS UNIMPORTANT WHETHER THEY ARE RIGHT OR NOT -- BUT IN THEIR MINDS THE CIA IS NO LONGER ABLE TO ABSOLUTELY GUARANTEE THAT INFORMATION WHICH THEY PROVIDE THE U. S. GOVERNMENT IS SACROSANCT. AGAIN, WE BELIEVE WE CAN KEEP IT SO, BUT IT IS, IN THE FINAL ANALYSIS, THEIR PERCEPTION -- NOT OURS -- WHICH COUNTS.

FOR EXAMPLE, A FOREIGN INTELLIGENCE SOURCE FROM A COMMUNIST COUNTRY BROKE OFF A PRODUCTIVE ASSOCIATION WITH US SPECIFICALLY BECAUSE OF FEAR OF THE CONSEQUENCES OF DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT. SUBSEQUENTLY HE FAILED TO USE ESTABLISHED MEANS FOR REVIVING CONTACT WITH THE AGENCY DESPITE THE ASSET'S RENEWED RESIDENCE

OUTSIDE HIS NATIVE LAND. WE CAN ONLY ASSUME THAT HE IS LOST AS A SOURCE OF FOREIGN INTELLIGENCE.

THERE ARE OTHER CASES WHERE AGENTS HAVE CITED THE FOIA AS THE REASON FOR UNWILLINGNESS TO EITHER COOPERATE INITIALLY, CONTINUE TO COOPERATE, OR COOPERATE AS FULLY AS IN THE PAST. HOW MANY CASES OF REFUSAL TO COOPERATE WHERE NO REASON IS GIVEN BUT IF KNOWN WOULD BE FOR SIMILAR REASONS, I CANNOT SAY. I SUBMIT, HOWEVER, THAT BASED UPON THE NUMEROUS CASES OF WHICH WE ARE AWARE, THERE ARE MANY MORE CASES OF SOURCES WHO HAVE DISCONTINUED A RELATIONSHIP OR REDUCED THEIR INFORMATION FLOW BASED ON THEIR FEAR OF DISCLOSURE. NO ONE CAN QUANTIFY HOW MUCH VALUABLE INFORMATION IS LOST AS A RESULT.

THE FOIA ALSO HAS HAD A NEGATIVE EFFECT ON OUR RELATIONSHIPS WITH FOREIGN INTELLIGENCE SERVICES. RECENTLY, THE CHIEF OF A MAJOR FOREIGN INTELLIGENCE SERVICE SAT IN MY OFFICE AND FLATLY STATED THAT HE COULD NOT FULLY COOPERATE AS LONG AS CIA IS SUBJECT TO THE FREEDOM OF INFORMATION ACT. IN ANOTHER CASE, A MAJOR FOREIGN INTELLIGENCE SERVICE DISPATCHED TO WASHINGTON A HIGH RANKING OFFICIAL FOR THE SPECIFIC PURPOSE OF REGISTERING CONCERN OVER THE IMPACT OF THE FOIA ON OUR RELATIONSHIP. I STRONGLY ARGUED THAT WE HAD ADEQUATE NATIONAL SECURITY EXEMPTIONS. WHILE ADMITTING AWARENESS OF THESE EXEMPTIONS, THIS REPRESENTATIVE NOTED, CORRECTLY, THAT EVEN INFORMATION DENIED UNDER THE EXEMPTION WAS SUBJECT TO LATER REVIEW

AND POSSIBLE RELEASE BY A U.S. COURT. WHILE THIS HAS FORTUNATELY NOT YET HAPPENED, I WAS NOT IN A POSITION TO GUARANTEE THAT IT WILL NOT. THESE ARE BUT TWO EXAMPLES. THE QUESTION I CANNOT ANSWER IS HOW MANY OTHER SERVICES ARE NOW MORE CAREFUL AS TO WHAT INFORMATION THEY PASS TO THIS AGENCY.

FINALLY, IT IS NOT ONLY FOREIGN SOURCES OF INTELLIGENCE INFORMATION THAT FEEL THREATENED BY THE FOIA'S APPLICABILITY TO THE CENTRAL INTELLIGENCE AGENCY. THE FOIA HAS IMPACTED ADVERSELY ON OUR DOMESTIC CONTACTS AS WELL. AS THE COMMITTEE IS WELL AWARE, PATRIOTIC AMERICANS VOLUNTEER INFORMATION WHICH IS INVALUABLE TO THE U.S. GOVERNMENT. MOST OF THESE AMERICANS, FOR BUSINESS AND OTHER REASONS, INSIST THAT WE PROTECT THE FACT OF THEIR COOPERATION AND THE INFORMATION WHICH THEY PROVIDE.

DESPITE THE UNIVERSAL CONCERN OVER FOIA, MOST AMERICANS CONTINUE TO HELP US. BUT THERE ARE THOSE WHO, IN ASSESSING THE RISK OF DISCLOSURE, DETERMINE THAT IT IS NOT IN THEIR BEST INTEREST TO COOPERATE. THEY FIND THEIR SENSE OF PATRIOTISM FRUSTRATED BY AN OBLIGATION THAT THEIR PRIVATE INTERESTS NOT BE JEOPARDIZED. FOR EXAMPLE, THE HEAD OF A LARGE AMERICAN COMPANY AND FORMER CABINET MEMBER RECENTLY TOLD ME THAT HE THOUGHT ANY COMPANY WAS OUT OF ITS MIND TO COOPERATE WITH CIA AS LONG AS THE PROVISIONS OF THE

FOIA APPLY TO IT. I THINK HE IS ABSOLUTELY WRONG, BUT AGAIN IT IS IN THE FINAL ANALYSIS HIS PERCEPTION, NOT OURS, THAT COUNTS. UNFORTUNATELY, HE IS NOT ALONE. OVER THE PAST FEW YEARS THIS DILEMMA HAS PROMPTED OTHER IMPORTANT U.S. SOURCES OF INFORMATION TO DISCONTINUE THEIR COOPERATION WITH U.S. INTELLIGENCE.

ONCE AGAIN, THIS REACTION CANNOT BE LAID ENTIRELY AT FOIA'S DOORSTEP, BUT IT IS THE PRINCIPAL SYMBOL TO MOST. THESE EXAMPLES DEMONSTRATE THE CHILLING EFFECT THE FREEDOM OF INFORMATION ACT HAS HAD ON OUR ABILITY TO COLLECT INTELLIGENCE. MR. CHAIRMAN, WE ARE EXPECTED TO PROVIDE THE BEST POSSIBLE INFORMATION TO U.S. POLICYMAKERS AND THE CONGRESS. WE ARE SERIOUSLY HAMPERED IN ACHIEVING THIS OBJECTIVE UNLESS WE CAN GIVE MORE CERTAIN GUARANTEES TO OUR SOURCES THAT THEIR INFORMATION WILL BE HELD INVIOLATE.

LET ME POINT TO ANOTHER ASPECT. AS THIS COMMITTEE WELL KNOWS, THE VAST MAJORITY OF CIA INFORMATION IS PROPERLY SECRET AND EFFORTS TO EXCISE THESE SECRETS FROM DOCUMENTS NOT ONLY INVOLVE THE ADVERSE EFFECTS OF THE PERCEPTION OF THE RISK OF DISCLOSURE WHICH I HAVE ALREADY DISCUSSED, BUT ALSO PRODUCES INFORMATION, MORE OFTEN THAN NOT, OUT OF CONTEXT AND THEREFORE MISLEADING AND EXTREMELY SMALL IN COMPARISON TO THE ACTUAL QUANTITY REVIEWED. OF COURSE, IT IS ALSO POSSIBLE THAT A SOPHISTICATED FOREIGN INTELLIGENCE SERVICE

COULD PIECE TOGETHER, FROM THE BITS AND PIECES OF RELEASED INFORMATION, A LARGER PORTION OF THE ENTIRE PICTURE REGARDING A PARTICULAR INTELLIGENCE ACTIVITY OR OPERATION.

MR. CHAIRMAN, MY PRESENTATION TO YOU WOULD BE INCOMPLETE IF I LEFT YOU WITH THE IMPRESSION THAT THE SOLE PROBLEM CREATED BY THE SUBJECTION OF OUR RECORDS TO THE FOIA WAS ONE OF PERCEPTION. FOIA PROCESSING IS, OF COURSE, CARRIED OUT BY HUMAN BEINGS. THIS RAISES THE POSSIBILITY OF HUMAN ERROR AND OF FAULTY JUDGMENT AS TO WHAT MAY AND WHAT MAY NOT BE RELEASED IN ONE OR ANOTHER SITUATION. MISTAKES, ALTHOUGH FEW AND FAR BETWEEN, HAVE BEEN MADE AND WILL, I FEAR, CONTINUE TO OCCUR NO MATTER HOW MUCH CARE WE EXERT IN PROCESSING REQUESTS.

ADDITIONALLY, AND PERHAPS MORE IMPORTANTLY FOIA REQUESTS BREAK DOWN THE CIA'S SYSTEM OF COMPARTMENTED RECORDS. OUR COMPARTMENTED RECORDS SYSTEM ALLOWS ONLY THOSE WITH A GENUINE NEED TO KNOW TO HAVE ACCESS TO ONE OR ANOTHER DOCUMENT OR FILE. UNDER AN FOIA REQUEST ALL RECORDS AND FILES RELEVANT TO THE PARTICULAR REQUEST ARE DRAWN TOGETHER. THEY REMAIN TOGETHER DURING THE FOIA REQUEST, APPEAL AND LITIGATION PROCESS THUS GIVING THEM FAR WIDER DISTRIBUTION THAN THEY WOULD NORMALLY HAVE AND THAN IS CONSISTENT WITH GOOD SECURITY PRACTICE. THUS WE FIND THE ANOMALY THAT FOIA IS GIVEN A RANK OF IMPORTANCE HIGHER THAN THE NEED TO KNOW PRINCIPLE WHICH IS THE UNDERPINNING OF OUR INFORMATIONAL SECURITY SYSTEM.

AS I STATED, OUR PRINCIPAL CONCERN WITH THE FOIA IS THE CHILLING EFFECT IT HAS ON OUR SOURCES.

BEFORE CLOSING, HOWEVER, I WOULD LIKE TO SHARE WITH YOU EXAMPLES OF SOME OF THE ADMINISTRATIVE BURDENS WE FACE IN ENDEAVORING TO COMPLY WITH THE ACT.

-- IN SPITE OF THE DEVOTION OF INCREASED MANPOWER COUPLED WITH EFFORTS TO IMPROVE OUR EFFICIENCY AND PRODUCTIVITY WE CONTINUE TO RECEIVE A HEAVIER VOLUME OF FOIA AND PRIVACY ACT REQUESTS THAN WE CAN HANDLE. IN THIS REGARD WE RECEIVE OVER 4,100 FOIA, PA AND EXECUTIVE ORDER 12065 REQUESTS PER YEAR OR ABOUT 16 PER DAY. OUR CURRENT BACKLOG IS OVER 2,700 UNANSWERED REQUESTS.

-- WE HAVE MANY DIFFERENT RECORD SYSTEMS, AS MANY AS 21 ~~OF WHICH ARE~~ ^{BEEN} HAVE ~~TO BE~~ SEARCHED IN ORDER TO RESPOND TO A PARTICULAR FOIA REQUEST. THESE DIVERGENT RECORD SYSTEMS, AS I NOTED EARLIER, MUST BE SEPARATELY MAINTAINED BECAUSE OF THE COMPARTMENTED SECURITY SYSTEM WHICH WE FIND ESSENTIAL.

-- THE AVERAGE COST OF PROCESSING REQUESTS AMOUNTS TO \$800 EACH.

-- MANY OF OUR REQUESTS ARE SENT TO US VIA A FORM LETTER. FOR EXAMPLE, REQUESTS RECEIVED FROM UNIVERSITIES OFTEN FOLLOW THIS PATTERN AND GENERALLY SPEAKING ARE EXTREMELY BROAD, ASKING FOR "ALL INFORMATION CIA HAS ON RELATIONSHIPS BETWEEN CIA AND THE UNIVERSITY AND CIA AND UNIVERISTY STAFF OR OFFICIALS."

-- OTHER REQUESTS ARE OF THE CURIOSITY VARIETY. TO MOST

OF THESE WE ARE UNABLE TO PROVIDE DOCUMENTS BUT MUST, NONETHELESS, EXPEND MANY FRUITLESS MANHOURS IN ARRIVING AT THAT CONCLUSION.

-- MANY ARE FROM FOREIGNERS -- POSSIBLY REPRESENTATIVES OF HOSTILE INTELLIGENCE SERVICES AND CLEARLY SOME FROM THOSE WHOSE APPARENT PURPOSE IN WRITING IS TO UNCOVER INFORMATION WHICH WOULD DO HARM TO THIS NATION'S INTERESTS OVERSEAS.

-- A NUMBER ARE FROM INDIVIDUAL AUTHORS. IN ONE CASE WE HAVE DEVOTED THE TOTAL EFFORTS OF ONE PERSON FULL-TIME FOR A PERIOD OF 17 MONTHS. THIS AGAIN IS FOR A SINGLE REQUEST BY ONE INDIVIDUAL.

-- IN ANOTHER AREA, WE HAVE ALREADY EXPENDED APPROXIMATELY FOUR MAN-YEARS ON FOIA REQUESTS FROM PHILLIP AGEE WHO, AS NOTED EARLIER, IS AN ADMITTED ADVERSARY OF THE CIA DEDICATED TO EXPOSING THE IDENTITIES OF OUR EMPLOYEES SERVING OVERSEAS. HE DOES THIS THROUGH THE VEHICLE OF THIS PUBLICATION. THE COVERT ACTION BULLETIN, ^(PASSED TO COMMITTEE) IT IS DISGRACEFUL THAT WE SHOULD BE ASKED TO ASSIST HIM IN HIS ENDEAVORS.

DURING 1978 WE SPENT 116 MAN-YEARS WORKING ON REQUESTS FOR INFORMATION UNDER THE DISCLOSURE STATUTES. BY COMPARISON THIS EXPENDITURE OF VALUABLE HUMAN RESOURCES IS GREATER THAN THAT SPENT ON ANY ONE OF SEVERAL AREAS OF KEY INTELLIGENCE INTEREST TO THE UNITED STATES.

THUS MR. CHAIRMAN, THE BURDEN OF THE FOIA IS ALSO A PROBLEM FOR US AND ONE, WHEN COUPLED WITH THE MORE SERIOUS PROBLEMS I

DESCRIBED EARLIER, IN NEED OF REMEDY. THAT REMEDY IS DIFFICULT TO FASHION AND WE HAVE GIVEN IT A LOT OF THOUGHT. WE RECOGNIZE THE IMPORTANCE OF MAINTAINING THE GENERAL FOI CONCEPT. WE DO NOT SEEK A TOTAL EXEMPTION FROM FOIA. WHAT WE REALLY SEEK IS A MORE EFFECTIVE WAY TO INSURE OUR SOURCES THAT WE ARE DOING WHAT THE 1949 CIA ENABLING ACT DIRECTS US TO DO, THAT IS, PROTECT THEM. WE THINK WE CAN ACHIEVE THIS OBJECTIVE, AT LEAST PARTIALLY, BY PERFECTING THE RELEVANT CIA ACT PROVISIONS IN A MANNER FULLY CONSISTENT WITH THE SPIRIT AND LETTER OF NATIONAL SECURITY EXEMPTIONS ALREADY IN THE FREEDOM OF INFORMATION ACT. AT THE SAME TIME WE ARE ALSO CONSCIOUS OF THE COMPETING NEEDS OF OUR U.S. CITIZENS WHOSE SUPPORT AND CONFIDENCE WE MUST MAINTAIN. IT IS FOR THIS REASON THAT WE BELIEVE THAT OUR FILES SHOULD CONTINUE TO BE ACCESSIBLE TO AMERICAN CITIZENS AND PERMANENT RESIDENT ALIENS, SUBJECT TO EXISTING FOIA^{PA} EXEMPTIONS, TO THE EXTENT THAT INFORMATION CONCERNING SUCH PERSONS MAY BE CONTAINED IN OUR FILES.

MR. CHAIRMAN, WHILE I AM NOT A CAREER INTELLIGENCE OFFICER, I HAVE BEEN ASSOCIATED WITH INTELLIGENCE FOR A NUMBER OF YEARS AS A FOREIGN SERVICE OFFICER. AFTER ONE YEAR IN MY CURRENT POSITION, I CAN TELL YOU IN ALL CANDOR THAT THE EROSION OF OUR ABILITY TO PROTECT OUR SOURCES AND METHODS, AND, MORE IMPORTANTLY, THE LARGER THAN LIFE PERCEPTION OF THAT EROSION IS THE MOST SERIOUS PROBLEM THE CIA FACES TODAY. IF WE DO NOT SOLVE IT WE CANNOT CONTINUE TO BE THE BEST INTELLIGENCE ORGANIZATION IN THE WORLD.

IF WE BELIEVE WE NEED INTELLIGENCE THAN WE HAVE TO
ACCEPT SOME SECRECY. FOIA HAS CALLED INTO QUESTION AROUND
THE WORLD OUR ABILITY TO KEEP A SECRET. ITS APPLICATION IN
ITS CURRENT FORM TO CIA IS INAPPROPRIATE, UNNECESSARY IN
LIGHT OF CURRENT OVERSIGHT MECHANISMS, AND HARMFUL.